

The Fundamental Principles of Tolerance (*Al-Tasâmuh*) Under Islamic Perspective

Dr. Burhanuddin S, SHI,M.Hum

¹Sharia Faculty State Islamic University Maulana Malik Ibrahim, Jl. Gajayana 50, Malang, Indonesia
Email: burhanuddins.uin@gmail.com

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Abstract: Tolerance can be developed by the thoughts that is formed from the understanding of concepts. Developing the true concept of tolerance is a necessity so that it can be used as a guideline for Muslims in Indonesia in order to there is no lie between us which can cause astray. Implementation of tolerance according our believe is part of worship that is guaranteed by constitution. Violations the principles of tolerance besides being sanctioned by the state law, also can be sanctioned by religion as a form of denial of God. The measuring of the truth in this concept does not improve on a subjective human perspective but restoring to God as a source of truth. This paper was written to elaborate some principles of religious tolerance (*al-tasâmuh*) under Islamic perspective which are derived from *al-qur'an* and *al-sunnah*. This theme is important to be discussed academically, because in the reality there are practices of intolerant behavior (*'adam al-tasâmuh*) which disrupt the social harmony and national security of state. At the same time, we know that in fact there are behaviors of excessive tolerant (*al-tasâmuh al-mufrit*) which leads to religious mixing whose according the law is prohibited (*haram*). To elaborate this papers, writers have used a normative approach for mapping some principles in field of worship and public affairs containing permissions and restrictions to develop the concept of tolerance without mortgaging our beliefs.

1 INTRODUCTION

This concept of tolerance contributes to a more positive approach to multiculturalism, by accommodating differences and strengthening common human values (Jackson, 2007). Where tolerance, respect and recognition exist together, we can expect harmonious relationships in societies, characterized by active participation and mutual contributions from each society member. However, it is important to understand that tolerance can occur and cultures can have a potential conflict that leads to be a disaster. As in social reality, this religion plurality sometimes become a problem in which in one side, religion is considered as an autonomous personal rights, on the other hand, this right has a complex social implication in society life. Each religion adherent believes that their doctrines and values must be proclaimed in society and national life (claim of truth). In this context, religion often become a potential conflict in the society. Based on these empirical-historical facts, religion plurality is impossible to be avoided. Nurcholis

only where there are unnegotiable differences amongst the society members (Habermas, 2004). In other words, there is no need for tolerance if the difference is trivial.

It is realized that Indonesian people are pluralistic society which cannot be avoided from reality. This diversity is admitted in constitution which guarantees all different religion adherents to do their doctrines based on their faith. However, the diversity of religion adherents Madjid attempted to remind that plural value system is God's rule (Sunnatullah) which cannot be changed, fought, and denied. Those who try to deny culture diversity law, it will cause continuous conflict phenomenon (Ghazali, 2014).

In context of religious plurality life as mentioned previously, in order to preserve diversity on religion faith in harmony context, it is needed to have mutual understanding and respect atmosphere among all various religion adherents. One of the ways to have all of them is by doctrine regarding different religion and faith principles. Each religion, especially Islam,

has owned these basic principles. This religion tolerance is not only refers to norms in each religion but also it comes from personal experience of religion adherents both directly and indirectly of religious phenomenon (Ghazali, 2014).

Freedom of religion gets a constitutional guarantee, namely Article 28E and Article 29 Indonesian Constitution (UUD 1945). Constitutional guarantees indicate that tolerance for followers of other religions is mandatory for all citizens, therefore violations of the constitution can be subject to legal sanctions. Implementing tolerance in accordance with his religious beliefs is part of worship, so they have to get protection from the state. If there are some conflicts of each religion in implementing tolerance base on their belief, government through institutions established must find a meeting point in order to realize harmony.

Religious tolerance is one of the most important program in Indonesia because one of four pillars of the nation is unity in diversity. It means that Indonesia will be able to achieve the goals of the country as long as the government is able to maintain the harmonious relationship between all different religious followers. That program can be understood by Presidential Degree No. 1/PNPS/1965 concerning Prevention of Similarities and/ or Blasphemy of Religion. The blasphemy law covers two types of blasphemous acts: deviation (*penyimpangan*) from the six officially recognized religions and defamation (*penodaan*) of these religions. The violation of this regulation could be punished by a maximum imprisonment of five years shall be punished for whosoever in public deliberately expresses their feelings or engages in actions that: (a) In principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia; (b) Has the intention that a person should not practice any religion at all that is based on belief in Almighty God (Article 4).

The blasphemy provisions in the that Presidential Decree have also inspired the use of similar provisions in more recently enacted laws. At least two laws have been used to prosecute people accused of defaming religion. Firstly, Law No. 11/2008 on Electronic Information and Transaction (UU ITE) Article 28(2): *"Any person who deliberately and without right disseminates information aimed to inflict hatred or hostility on individuals and/or certain groups of community based on ethnic groups, religions, races and inter-groups."* Article 27(3): *"Any person who deliberately and without right distributes and/or transmits and/or makes electronic information and/or documents accessible that contains insulting and/or defaming content."* A second law used to prosecute people accused of blasphemy is Law No. 23/2002 on the Protection of Children, which stipulates in Article 86 that: *"Any person who*

deliberately uses deception, a series of lies or persuades a child to choose another religion not of his/her own will, even though the perpetrator knows or should know that the child is not sufficiently intellectually developed and responsible enough to make such a choice in accordance with their religion shall be punished with imprisonment of 5 (five) years and/or a maximum fine of Rp 100,000,000 (one hundred million rupiah, US\$8,252)."

Amnesty international (2014) considers that the the blasphemy laws in Indonesia are having a very negative impact on the right to freedom of expression and freedom of religion of individuals belonging to religious minorities. Furthermore, prosecuting individuals for their peaceful expression of beliefs that are considered blasphemous is likely contributing to an atmosphere of religious intolerance in the country. According Rosyda, those regulations have prohibited every one of abuse interpretation to the religious doctrine from the admitted religion by the nation, and influence other people to support and follow him. This regulation also prohibited everyone to do religious activities similar to the religious traditions of a certain religion admitted by the country. This regulation was enacted to prevent disharmony relationship between religious followers (Rosyada, 2017).

Tolerance is a deliberate choice of non-interference in the conduct that one disproves. In other words, it is an attitude of not opposing the different beliefs and practices of others that evoke the disapproval in oneself. Some political philosophers such as John Rawls, Ross Harrison and Jean Hampton view tolerance as a liberal concept or as the basis for liberalism. In this view, tolerance can be flourish in the state or government that safeguards the rights of all religions and differences. But in the Islamic word, it is not viewed as a liberal political concept. Further, in the Western view religious tolerance has distinct characters namely individual freedom of thinking, worshiping freely, propagation of one's religion. Controlling one of these is considered as violation of rights. In his book entitle: *The Difficulty of Tolerance* T.M. Scanlon (2003) describes that "tolerance requires us to accept people and permit their practices even when we strongly disapprove of them. Tolerance thus involves an attitude that is intermediate between wholehearted acceptance and unrestrained opposition."

In the article *"The Scope of Tolerance and Its Moral Reasoning,"* Raphael (2004) argues that tolerance consists of three components: (a) A strong disapproving attitude toward a certain conduct, action or speech; (b) Power or authority to curtail the disturbing conduct, and (c) Moral overriding principles, which sway the doer not to exert his or her power or authority to curtail the said conduct. These components show that tolerance cannot be

equated with indifference but neutrality which is considered as the prime requirement for justice in the contemporary liberal politics.

Allah has created human beings with various ethnic groups to know each other (QS. Al-Hujuraat[49]: 10). From that verse can be understood that diversity is natural and He has revealed guidance for all mankind how to develop a tolerance attitude for a harmonious life. From acknowledging diversity, Islam outlines a firm standard for Muslims to develop peaceful coexistence with non-Muslims. Then, to implement the tolerance correctly is needed a good understanding formed by genuine principles which is excavated from *al-qur'ân* and *al-sunnah*.

Islam is declared as a perfect religion (QS. Al-Maidah[5]: 3). Allah has explained everything in the *qur'an* both textually and implicitly (QS. An-Nahl[16]:89). There is nothing forgotten from the it (QS. Al-Anam[6]: 38). It means that in *qur'an* have been described various affairs including the principle of tolerance. Those principles need to be extracted from the source to serve as the concept of tolerance. Implementation of tolerance according to our belief is part of worship, because it must be done correctly according to the instructions of revelation. Violation of the principles of tolerance derived from shari'a not only having an impact on the pattern of relations between fellow humans, but also can damage obedience to God.

The principles of tolerance that were extracted from the shari'a must be a guide, include for Muslims in Indonesia. Without understanding a true guidance, it is feared that the practice of tolerance occurs with many deviation. Failure to understand those principles of tolerance will cause effect that leads to two extreme actions as is often occurred in reality, namely: (1) Intolerance behavior of interreligious differences; (2) Excessive tolerance behavior without regard to the boundaries of normative provisions. These two forms of behavior not only endanger for personal life but also damage the collective order in a society or a country.

The countries can be confused by intolerant behavior in society. If there are some people of a country have not respect for religious differences and do coercion then has behaved intolerant. The most dangerous threat is coming from radicalism that that is permitting to use violence as the way to struggle for implementing religious doctrines. Certainly the impact of intolerant behavior will lead to inter-religious conflict in a society which begins with a truth claim, hate speech, until murder either personally or collectively through war. The existence of social conflict will cause the unity of the states to be threatened so that they will take action on behalf of national security. In this condition there is actually a new conflict occur between the state and the certain groups considered as a security intruder. They who intolerant and

oppose the state will be stigmatized as a radical group, terrorist, and etc so it is considered legitimate to be captured and even killed. But it should be understood that arrests and murders without strong evidence is also a violate state law and contrary to religious values.

The second extreme behavior of interfaith relations is an attitude of excessive tolerance. Said so because there is the tendency that they have out of the normative boundaries assigned by the Islamic teachings. We can recognize easily some characteristics which is inherent to someone who do excessive tolerance such as give congratulation and even to attend other religious festivals to show the real expression of togetherness and respect for followers other religious. Even, there are among them suspect inwardly and make statement that all religions are true so there is no need truth claims for each faith. This tolerance model is considered most appropriate for realizing the harmonization of interreligious relationships, so it can support the stability of national security.

We have to know that outside the two extreme there is an ideal concept expected to develop the tolerance behaviour which in line both in the context of Indonesia and the perspective of *al-qur'ân* and *al-sunnah*. The majority Muslim in Indonesia is still adhering to the principle of proper tolerance so they are not trapped in extreme behavior. But we must explore whether this tolerance model is created because of the understanding the *fiqh* tolerance or because of passive behavior to respond the religious differences. The passive behavior related to interreligious relations is very dangerous because it tends to let anything happen, so the impact resembles excessive tolerance behavior. To understand tolerance correctly, it is necessary to read the concept of tolerance which is excavated from texts of *al-qur'an* and *al-sunnah*.

2 RESEARCH METHOD

The kind of this writing is result of normative legal research which use norms in the texts of *al-qur'an* and *al-sunnah* as an object. Through these two sources, the principles of tolerance will be explored that use a thematic approach. Because the object is sharia norms as sources of data, so this research have used conceptual approach for deriving them before they are analysed with the method of descriptive qualitatively for creating a new concept of tolerance in Indonesia under Islamic perspective.

3 FUNDAMENTAL PRINCIPLES OF TOLERANCE

Term tolerance in Islamic literature called *al-tasâmuh* (التسامح). Ulama used term *tasâmuh* to describe meaning of premise (dalil) concerned. But

they did not understand what the goal so it is needed understanding of others lafadz (Jurjani, t.t). *Tasâmuḥ* is a *masdar* of the verb يتسامح - تسامح mean respect the beliefs of others (*iḥtirâm 'aqâid al-âkharîn*). *Tasâmuḥ* in language mean extend giving and so forth (*al-ittisâ fî al-i'thâi wa ghaîrihi*) (al-Din, 2009). If referring to its root word, term *tasâmuḥ* is derived from the word سمح that means simplify. (<https://www.almaany.com/>). In term, definition of tolerance (*tasâmuḥ*) is ability to respect the differences as an effort to realize equality (al-Din, 2009). It is mean that tolerant people are they who are able to respect differences to realize a harmonious life in a plural society.

Term *tasâmuḥ* literally was not contained in qur'an. But sharia Islam has implemented its meaning. There are terms which show meaning of appeal to piety (*al-taqwâ*), dialog (*al-tasyâwuru*), visiting each other (*al-tâzaru*), advise each other (*al-tawâshu*), love each other (*al-tarâḥim*), know each other (*al-ta'âruf*) that all of which show character of *tasâmuḥ* which is strengthen the right of difference among human being. Actually writing the word and explanation its meaning which is very helpful many found from interpretation of qur'an contained word *al-tasâḥal* that is synonymous with *al-tasâmuḥ* (Sya'bân, 1993). But in the hadith of the prophet, there is a term that has the same root with *tasâmuḥ*, namely:

عن ابن عباس رضي الله عنهما: أن رسول الله صلى الله عليه وسلم قال: إِسْمُحْ بِسَمْحِ لَكَ (مسند أحمد).
عن جابر بن عبد الله رضي الله عنهما، أن رسول الله صلى الله عليه وسلم قال: رَجِمَ اللَّهُ رَجُلًا سَمَحًا إِذَا بَاغَ وَإِذَا اشْتَرَى وَإِذَا اقْتَضَى (راوه البخاري).
عن ابن عباس رضي الله عنهما قال: قيل لرسول الله صلى الله عليه وسلم قال: أَيُّ الْأَدْيَانِ أَحَبُّ إِلَى اللَّهِ؟ قَالَ: الْخَنِيفَةُ السَّمْحَةُ (مسند أحمد).

Tolerance in Islam, rightly understood is patience toward a practice or opinion one disapproves of. This understanding may come as a surprise to many people who interpret tolerance simply as a synonym for the words acceptance or agreement. Islamic tolerance entails disagreement yet a firm moral commitment to the decent treatment of the person with whom one disagrees. So tolerance in Islam can be understood as a patient forbearance against something which is disliked or disapproved of (Siddiqi, 2018).

Religious tolerance to non-Muslims is very broad in scope, but in general can be divided into two categories, namely: (1) Tolerance in the field of worship (*al-tasâmuḥ fî al-syu'ûni al-'ibâdah al-mahdhah*); and (2) Tolerance of public affairs between muslim and non-muslim (*al-tasâmuḥ fî al-syu'ûni al-'âmah baina muslim wa gharu muslim*). The following paragraph is an explanation of some principles of tolerance field of worship and public affairs:

2.1. Tolerance in the field of worship (*al-tasâmuḥ fî al-syu'ûni al-'ibâdah al-mahdhah*).

The purpose of human creation is to worship Allah SWT (QS. Adz Dzariyat[51]: 56). Allah has decreed the shari'a to serve as a guidance of worship for each religion (QS. Al-Maidah[5]: 48). For every religion Allah have appointed shari'a which they perform. So, let you not contend with it but invite them to your Lord. Indeed you are upon straight guidance (QS. Al-Hajj[22]: 67). From the various shari'a that has been revealed, but only Islam is declared as a perfect religion (QS. Al-Maidah[5]: 3) and it is desired by Allah (QS. Ali Imran[3]: 19). So whoever seeks a religion other than Islam, they will not be accepted by Allah (QS. Ali Imran[3]: 85). Although Islam is the religion has been desired, but Allah forbids His people to impose religion on others (QS. Al-Baqarah[2]: 256), even has ordered to keep tolerance with other religion such as it is described in the texts of sharia as follows:

قُلْ يَا أَيُّهَا الْكَافِرُونَ، لَا أَعْبُدُ مَا تَعْبُدُونَ، وَلَا أَنْتُمْ عَابِدُونَ مَا أَعْبُدُ، وَلَا أَنَا عَابِدٌ مَّا عَبَدْتُمْ، وَلَا أَنْتُمْ عَابِدُونَ مَا أَعْبُدُ، لَكُمْ دِينُكُمْ وَلِيَ دِينِ.

Say: O disbelievers! I worship not that which you worship. Nor worship you that which I worship. And I shall not worship that which you worship. Nor will you worship that which I worship. Unto you your religion, and unto me my religion (QS. Al-Kafirun[109]: 1-6).

According *Asbâb al-Nuzûl*, this verse is revealed related to Quraisy declaring:

يا محمد! هلم فاتبع ديننا ونتبع دينك: تعبد الهتنا سنة ونعبد إلهك سنة. فإن كان الذي جئت به خيرا مما بأيدينا، [كنّا] قد شركناك فيه وأخنا بحظنا منه. وإن كان الذي بأيدينا خيرا مما في يديك، [كنت] قد شركتنا في أمرنا، وأخذت بحظك. فقال: معاذ الله أن أشرك به غيره. فأنزل الله تعالى: (قُلْ يَا أَيُّهَا الْكَافِرُونَ.....). فغدا رسول الله صلى الله عليه وسلم إلى المسجد الحرام وفيه الملا من قريش، فقرأها عليها حتى فرغ من السورة. فأيسوا منه عند ذلك.

Ya Muhammad please follow our religion and we follow your religion. You worship our god one year and we worship your god one year. If there is any good that we gain, then we collaborate with you to take advantage of it. And if there is a good from us, then you collaborate in that affair to take advantage of it. Then God forbide the collaboration through His word (QS. Al-Kafirun [109]: 1-6). So the next day the Prophet went to Mecca to meet the leader of Quraish and read the revelation in order not repeat that action (Wâhidî, 1991).

The verse and the cause of its revelation (*Asbâb al-Nuzûl*) is concerned with the

fundamental concept of tolerance in the field of worship. Through this concept, Islam strictly has ordered all Muslim to respect the religious beliefs of others without disturbing them, and it also has prohibited all Muslim to participate in other religious worship to avoid mixing up interreligious beliefs. Hence the behavior of excessive tolerance for other religious worship **is prohibited (haram)** according to al-qur'an and al-sunnah Rasulullah SAW. The following are examples of excessive tolerance behavior that is forbidden: (1) Participation together in building other religious places of worship; (2) Attending the worship place of other religion; (3) Proclaim the words for other religious festivals; (See *Keputusan Fatwa MUI Tahun 1981 tentang Perayaan Natal Bersama; Fatwa MUI Nomor 56 Tahun 2016 tentang Hukum Menggunakan Atribut Keagamaan Non-Muslim*; In his fatwa, 'Utsaimîn said that say christmas festivities or others religious festivals is haram based on the agreement (*bi al-itifâq*), as quoted from the opinion Ibnu Qayyim rahimahullah in his book: *Ahkâm Ahlu al-Dzimah* ('Utsaimîn, 1413H); (4) Including excessive behavior is participation in securing other religious worship, except the police as state officials to maintain national security. Participation of Muslim in securing other religious worship is feared part of a violation the principle *wa lâ ta'âwanû alâ al-itsmi wa al-'udwân* (QS. Al-Maidah[5]:2). We know that there is temporary benefit of excessive tolerance in the life of the world, but in the hereafter life there is ultimate damage so that it should be avoided for all Muslim as stated in the *fiqh* rules:

درء المفساد مقدم على جلب المصالح

Preventing damage more preferred than taking temporary benefit.

The wisdom (*hikmah*) of prohibiting excessive tolerance in the field of worship is to avoid a mixture of truth and falsehood (*talbisû al-haq bi al-bâthil*) (QS. Al-Baqarah[2]:42) so the purity of our faith (*aqîdah*) is preserved. Our faith should not be mortgaged by human praise that does not base on the premises of shari'a (*al-adilah al-syar'îyah*). Expecting the reward / praise of the human in expressing religious loyalty not only destroy the faith but also can plunge the act on the deviation. Therefore, through the theory of *al-walâ' wa al-barâ'*, Qahthânî (1413H) said that Islam has taught its followers how to express their loyalty of the truth and go away from the falsehood. We know that there are many forms

of falsehood, and the most damage is related to religious apostasy.

If we refer to (QS. Ali Imran[3]: 19) (QS. Ali Imran[3]: 85), it is fact that Islam has taught muslim people to claim the truth based on real evidence in the shari'a, and then has ordered to convey the truth wisely (QS. An-Nahl[16]: 125) to other religious people in order to get *hidayah*. Even to support the *syiar Islam*, the prophet and his companions had conquered the territory of *kâfir harbi* to execute the orders of war (*jihad*). But we have to understand, although Islam has legitimized claims of the truth, but relates to the other belief there is no coercion (QS. Al-Baqarah[2]: 256).

Tolerance can be seen in the life of the beloved Prophet Muhammad (peace be upon him), who is referred to in the Quran as a model example for humanity. Many policies of him reflect the Quranic view of tolerance of others. An example of this in-between 'Constitution of Madina' (*mîtsâq al-madînah*), which described Muslim, Jewish and pagan groups as 'one community' sharing in the obligation of protecting one another from outside aggression, while each group enjoys their religious freedom.

2.2. Tolerance in field of public affairs between muslim and non-muslim (*al-tasâmuh fi al-syu'ûni al-'âmah baina muslim wa ghairu muslim*)

Relations between muslim and non muslim in field of *mu'âmalât* is very broad begin from the scope of the relationship in the society until the state. Sharia has given a guidance for Muslim how to tolerate with other religions in public affairs. Tolerance to non-Muslims in the field of public affairs is to give equal rights to live in harmony without enmity. The harmony among interreligious people needs to be realized to support national stability so that the goals of sustainable development in Indonesia can be achieved. But it must be known by non-Muslims that in the Islamic law (*fiqh*) there are some public affairs to be undertaken by Muslims, for examples:

(1) Tolerance in Public Affairs

- Tolerance to family non muslim (QS. Luqman[31]: 15).
- Sharia has ordered to tolerate for non-Muslims who persuade peace

(QS. Al-Anfal[8]: 61) and not embattle because of religion (QS. Al-Mumtahanah[60]: 8). Contrarily, if they embattle Muslim community so there is no tolerance, even Allah has commanded to fight them (QS. Al-Hajj[22]: 39). According the *fiqh*, non-Muslims who have to be tolerated in the context of state are: (a) *Kâfir dzimî*: citizen of non-Muslims who are bound by a peace treaty with the Islamic government by paying jizyah; (b) *Kâfir mu'âhad*: foreigners of non-Muslims who are bound by a peace treaty during stay in Islamic state; (c) *Kâfir musta'min*: foreigners of non-Muslims who get security guarantees from Muslim. The form of tolerance given to non-Muslims who are bound by the peace agreement is to provide security guarantees. Rasulullah SAW said:

مَنْ قَتَلَ قَتِيلًا مِنْ أَهْلِ الدِّمَةِ لَمْ يَجِدْ رِيحَ الْجَنَّةِ وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا

Whoever kills a *kâfir dzimî*, then he will not smell the paradise. In fact the smell of heaven was smelled from the journey of forty years (HR. An-Nasa'i)

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِخْ رَائِحَةَ الْجَنَّةِ ، وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا

Whoever kills a *kâfir mu'âhad*, then he will not smell the paradise. In fact the smell of heaven was smelled from the journey of forty years (HR. Bukhari).

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ

And if any *musyrikin* asks you for protection (*musta'min*), then protect him so that he may hear the word of God, then send him to a safe place for him. That is because they are people who do not know (QS. At-Taubah[9]: 6)

According Abū Khaîl (1993), public rights of *ahalul zimah* namely: (1) Life protection (*hidz al-nafs*); (2) Equality in *qânûn jânaî*; (3) Equality in *qânûn madanî*; (4) Property protection (*hidz al-a'râdhi*); (5) Legal recognition (*tsubût al-dzimah*); (6)

Personally affairs (*al-'umûr al-syakhsyah*); (7) Religious appeal (*al-syaâir al-dîniyah*); (8) Tolerance in taking *al-jiziyah* and *kharâj*.

- c. Equality before the law for non muslim to get justice (QS. Al-Maidah[5]:8). In history, Caliph Umar bin Khattab r.a had won the lawsuit a Yahudi for the actions of the governor Amr bin 'Ash. That story shows that Islam has taught justice to anyone including from non-Muslim community. In the context of Indonesia, many sharia values which are absorbed in form of regulations (*peraturan perundang-undangan*) as a material law to establish the justice.
- d. Muslims are allowed to cooperate with not Muslim in terms of kindness (QS. Al-Maidah[5]:2)
- e. Giving food to poor of non-Muslims Muslims (QS. Al-Insan[76]: 8), (QS. Al-Mumtahanah[60]: 8). Giving to non-Muslims allowed is *shadaqah sunnat*, because in fact Nabi had given food to blind beggar of Jews. Giving of *shadaqah wajib* (zakat) should not be given to non Muslim except for eight of asnaf (QS. At-Taubah[9]: 60)
- f. Non Muslims have to get a good word (treatment) from Muslims (QS. Al-Baqarah[2]: 83).
- g. Women *ahlul kitab* could be married to Muslim men (QS. Al-Maidah[5]: 5).

(2) Limitation of Tolerance in Public Affairs

- a. Islam has prohibited non muslim as a leadership among majority of muslim community (QS. Al-Maidah[5]:51); (QS. Ali-Imran[3]: 28); (QS. An-Nisa[4]: 144). Tolerance in public affairs of Indonesia which have people majority of Muslims does not mean surrendering the national government leadership (*al-imâmah al-hukûmiyah al-wathaniyah*) to non-Muslims. Therefore Muslims who reject non-Muslim as their leader should not be regarded as anti-diversity because it is part of the faith. In a democratic system like Indonesia, non-Muslim leadership may occur if the Muslim people does not understand and practice those verses.

- b. Allah has commanded enforcement the law that He has revealed (QS. An-Nisa[4]: 65) (QS. Al-Maidah[5]: 44, 45, 47,48, 49) not other religious of law (QS. Al-Maidah[5]: 50). In the context of Indonesia, many sharia values which has been absorbed in form of regulations (*peraturan perundang-undangan*) as a material law to establish the justice.
- c. A muslim is forbidden to follow the tradition of non muslim (QS.Al-Hadid[57]:16).
- d. Muslims are forbidden to say greetings (السلام عليكم) to non-Muslims first, so if they say it then the answer is enough to say وعليك . Rasulullah SAW said:
 لَا تَبْذُؤُوا الْيَهُودَ وَالنَّصَارَى بِالسَّلَامِ
Do not you go ahead of the Jews and the Christians in the greeting (HR. Tirmidzi No. 1602 dan Ahmad (2/266). Syaikh Al Albani said that this hadits is *shahih*.
- e. Man of non muslim is forbidden to married with Muslimah (QS. Al Mumtahanah[60]: 10).
- f. An apostate of Muslim is not entitled to inheritance. Rasulullah SAW had said:
 لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ وَلَا الْكَافِرُ الْمُسْلِمَ
It is not right for a Muslim to inherit an infidel, and neither does an infidel inherit a Muslim (Bukhari and Muslim)

3 CONCLUSIONS

Allah has created diversity as a nature (*sunatullah*) as it has created a way of tolerance to realize harmony. Implementation of tolerance according our believe is part of worship. Worshiping in accordance with their religion and beliefs is a constitutional right of citizens which is guaranteed by law in Indonesia. To tolerance with other religions under Islamic perspective is needed the correct understanding toward the fundamental principles which are derived from al-qur'an and al-sunnah. The scope of religious tolerance can be divided into two categoris: (1) Tolerance with non muslim in field of workshop (*al-tasâmuh fî al-syu'ûni al-'ibâdah al-mahdhah*); and (2) Tolerance with non muslim in public affairs (*al-tasâmuh fî al-syu'ûni al-'âmah*), where of both scopes have been regulated in sharia that contain some permissions and limitations. Failure to understand those principles has been caused effect that leads to two extreme action namely intolerance behavior of

interreligious differences or excessive tolerance behavior without regard to the boundaries of normative principles. Violations the principles of tolerance besides being sanctioned by the state law, also can be sanctioned by religion as a form of denial of God.

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